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DEB/jks  
April 30, 2003

PATENT APPLICATION  
Docket No.: 3206.1001-000

# COPY

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Perry Francis Bartlett, Elizabeth Jane Coulson, Katrina Fieldew,  
Manuel Baca, Trevor Kilpatrick, and Cheema Surindar

Application No.: 09/821,831 Group Art Unit: 1647

Filed: March 30, 2001 Examiner: Robert Hayes

Confirmation No.: 6242

For: METHOD OF MODULATING CELL SURVIVAL AND REAGENTS  
USEFUL FOR SAME

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
on <u>5/1/03</u> Date	<u>Judith K. Sherman</u> Signature
<u>Judith K. Sherman</u> Typed or printed name of person signing certificate	

### PETITION TO WITHDRAW HOLDING OF ABANDONMENT FOR FAILURE TO RESPOND TO AN OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attention: Examiner Robert Hayes

Sir:

Applicants' Attorney received a telephone call from Mr. Robert Hayes, Group Art Unit 1647, in which he advised that a Restriction Requirement had been mailed on September 27, 2002 in the above-identified application, and was inquiring whether or not a Reply had been submitted. In view of the fact that the Restriction Requirement was not received in this office by the undersigned attorney, it is hereby requested that any holding of abandonment be withdrawn.

09/821,831

-2-

The undersigned states that the Office communication was not received and attests to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of Applicant's Attorney's docket for the appropriate period of time in which a Reply would have been docketed had it been received is enclosed and identified as Exhibit 1. Also, a copy of the mail log where the non-received Office communication would have been entered had it been received is attached as Exhibit 2.

In consideration of the above statement, it is respectfully requested that the holding of abandonment be withdrawn, that the outstanding Restriction Requirement be reissued, and that the period for Reply be restarted.

Please charge Deposit Account No. 08-0380 for any fees that may be due in this matter. One additional copy of this petition is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By David E. Brook

David E. Brook

Registration No. 22,592

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: 5/11/03

## Actions Due By Attorney

ockets For: David E. Brook

Due Date	Docket Number	CTY	CL Actions Due	Deadline	Taken	Atty	Resp1	Resp2	Resp3	Page
60C2002	2478.2004-000	USA	Genzyme Corporation	26NO2002		DEB	SGD			14
60C2002	2842.1004-002	USA	COMPLETE APPL. IN USA - DUE ON Genzyme Corporation							
60C2002	2842.1004-002	USA	POWER OF ATTY - CASE FILED Uconn/InSite							
60C2002	2842.1004-002	USA	SMALL ENTITY STATEMENT Uconn/InSite							
60C2002	2842.1004-002	USA	DECL/SUR (4 MO EXT) FINAL Uconn/InSite							
60C2002	2842.1004-002	USA	FILE ASSIGNMENT -CASE FILED ON Uconn/InSite							
60C2002	2842.1004-002	USA	IDS - CASE FILED ON Uconn/InSite							
60C2002	3259.1003-002	USA	FORMAL DRAWINGS FINAL Memorial SLK/Aton Pharma, Inc.							
60C2002	3298.1003-001	USA	IDS - CASE FILED ON McGill/Xanthis							
60C2002	3298.1006-000	USA	IDS - CASE FILED ON McGill/Xanthis							
60C2002	1818.1030-003	USA	IDS - CASE FILED ON Duke University							
60C2002	1818.1030-003	USA	FILE ASSIGNMENT -CASE FILED ON Duke University							

EXHIBIT

Jockets For: David E. Brook		Actions Due By Attorney		170C2002	1128	Page	15
Due Date	Docket Number	CTY	CL Actions Due	Deadline	Taken	Atty	Resp1 Resp2 Resp3
170C2002	1818.1030-003 1683	USA	POWER OF ATT - CASE FILED Duke University		31JA2002	DEB	CAE JAF
170C2002	2581.1001-004 SK-518-12A 6,193,948	USA	REISSUE LTR - APP DUE ON Memorial Sloan-Kettering Cancer Ctr SLK91-01FZA	27FE2003		DEB	
170C2002	2681.1001-003 143012 US 02	USA	FILE CITES/REL'D APPLICATIONS HeartDrug Research, LLC			DEB	AGG
170C2002	2681.1001-004 143012	ASTL	FILE REPLY TO OFFICIAL ACTION BTG International Limited	27NO2002		DEB	AGG
170C2002	2681.1001-005 143012	CANA	FILE CITES/REL'D APPLICATIONS BTG International Limited			DEB	AGG
170C2002	2856.1001-003 0343	CANA	PRIOR ART DUE Brigham/William Harris BMH95-01A			DEB	AGG
70C2002	3384.1001-005 13421 PCT	PCT	CH II DOR LETTER - DUE ON MGH/VisEn Medical	27DE2002		DEB	KJT
70C2002	3384.1001-005 13421 PCT	PCT	STATUS INQUIRY DUE MGH/VisEn Medical			DEB	KJT
70C2002	3384.1001-005 13421 PCT	PCT	STATUS INQUIRY DUE MGH/VisEn Medical			DEB	KJT
70C2002	3384.1002-002 VSI009PCT MGH17870	PCT	STATUS INQUIRY DUE MGH/VisEn Medical			DEB	KJT
70C2002	3384.1002-002 VSI009PCT MGH17870	PCT	STATUS INQUIRY DUE MGH/VisEn Medical			DEB	KJT

SEARCH RPT/FILE CITES  
NO REC'D?  
CH II (IPE) ART 34 REC'D?  
CH II REC'D?

Actions Due By Attorney 170C2002 1128 Page 16

Dockets For: David E. Brook

Due Date	Docket Number	CTY	CL	Actions Due	Deadline	Taken	Atty	Resp1	Resp2	Resp3
270C2002	3384.1002-002	PCT		STATUS INQUIRY DUE						
	VSI009PCT MGH17870			MGH/VisEn Medical	CH II IPE FINAL		DEB	KJT		
270C2002	3384.1002-002	PCT		STATUS INQUIRY DUE			DEB	KJT		
	VSI009PCT MGH17870			MGH/VisEn Medical	SCH RPT/FILE CITRS					
270C2002	3384.1002-002	PCT		STATUS INQUIRY DUE			DEB	KJT		
	VSI009PCT MGH17870			MGH/VisEn Medical	CH I DOR DUE					
270C2002	3384.1003-003	USA		STATUS INQUIRY DUE			DEB	KJT		
	VSI0014 MGH18123			MGH/VisEn Medical	IDS					
270C2002	3384.1003-003	USA		STATUS INQUIRY DUE			DEB	KJT		
	VSI0014 MGH18123			MGH/VisEn Medical	PRELIM AM - PRIORITY INCOMPLETE					
270C2002	3384.1003-003	USA		STATUS INQUIRY DUE			DEB	KJT		
	VSI0014 MGH18123			MGH/VisEn Medical	SES - NEED? CLAIMED NOT FILED					
270C2002	3384.1003-005	PCT		STATUS INQUIRY DUE			DEB	KJT		
	VSI001PCT MGH18324			MGH/VisEn Medical	SRCH RPT/FILE CITES/REL'D APFS					
180C2002	2065.2003-001	USA		IDS - CASE FILED ON		03JE2002	DEB	BWM		
				Response Biomedical Corporation						
180C2002	2213.1006-003	PCT		REPLY NO PNL/FAX EP - XMAIL US			DEB	AGG		
				Marical, Inc.						
180C2002	3028.1000-000	USA		FILE ASSIGNMENT - CASE FILED ON		08JE2000	DEB	BWM		
	13180.4.			McGill University	WAITING FOR INFO FROM CLIENT					
180C2002	3254.1003-002	USA		ISSUE FEE-FINAL			DEB	SMA		
	59913 B SK 892 B			Memorial SLK/Aton Pharma, Inc.						
180C2002	3290.1013-000	USA		POWER OF ATTY - CASE FILED		29AP2002	DEB	DES		
	1292616 US			McGill/Xanthis						

9/23/02

## U.S. PTO MAIL RECEIVED BY HBS&amp;R

Today's Date	Application/Patent/ Opposition/ Interference No.	Date Mailed From PTO	Docket No.	Comment
9/26/02 NMC (CONT)	60/406,992	9/23	1571.2050-000	FILING RECEIPT
	60/407,845	9/23	3226.1014-000	FILING RECEIPT
	60/406,993	9/23	2249.2002-000	FILING RECEIPT
09/27/02 M	09/364,245	09/19/02	0918.1266-000	ISSUE NOTIFICATION
	10/027,212	09/24/02	2846.1002-005	OAC 3 MO/PTO-892
	09/465,280	09/24/02	0399.1180-013	RRD 1 MO/
	10/055,630	09/23/02	3128.1000-001	OAC 3 MO/PTO-892
	09/746,742	09/24/02	0399.1192-008	RRD 1 MO
	09/846,693	09/24/02	2479.2034-001	ISF/PUN/DWG
	09/801,272	09/24/02	1733.1056-001	NOTICE OF ALLOW
	10/225,485	09/24/02	0100.1361-025	NMM/FLR
	09/454,282	09/24/02	2346.1012-001	ABANDONMENT
	09/375,090	09/24/02	1733.1031-003	PATENT COPY & RIBBON COPY 6,455,074
	09/492,241	09/24/02	2479.1009-001	PATENT COPY & RIBBON COPY 6,456,835
	10/044,921	09/20/02	3014.1005-001	ASG
	10/055,789	09/20/02	1855.1063-010	"
	10/077,178	09/20/02	0399.2027-001	"
	60/338,847	09/18/02	3357.1005-000	"
	10/132,069	09/20/02	3386.1000-000	"
	60/363,669	09/23/02	2479.2149-000	"
	10/080,864	09/23/02	1855.2043-000	"
	10/125,701	09/23/02	1932.2088-006	"
	60/385,930	09/21/02	1884.2018-000	"
	10/125,700	09/20/02	1932.2077-003	"
	10/135,186	09/20/02	3226.1004-001	"
	10/125,702	09/20/02	1932.1072-003	"
	10/018,529	09/20/02	1161.1027-072	"
	10/135,187	09/20/02	3226.1002-001	"

EXHIBIT

## U.S. PTO MAIL RECEIVED BY HBS&amp;R

Today's Date	Application/Patent/ Opposition/ Interference No.	Date Mailed From PTO	Docket No.	Comment
	10/125,793	09/23/02	1932.2075-003	ASG
	60/372,523	09/20/02	0054.2003-000	"
	10/164,854	09/24/02	3298.1016-000	UPD FLR
	60/407,003	09/24/02	3421.1001-001	FLR
	10/195,304	09/24/02	3402.1001-000	UPD FLR
	09/609,778	09/24/02	2284.1002-03	PATENT & RIBBON COPY 6,456,945
	09/933,355	09/24/02	2682.1003-003	PATENT & RIBBON COPY 6,457,112
	09/223,545	09/24/02	2384.1001-001	RIBBON COPY 6,455,138
	09/181,320	09/24/02	0050.1581-000	PATENT & RIBBON COPY 6,456,339
	2,610,241	09/20/02	3249.0001-000	CERT OF REG
	78/131,154	09/23/02	3285.0002-000	NOTICE OF SUSPENSION
	78/127,650	09/24/02	3415.0001-000	OAC
	76/174,724	09/25/02	3070.0008-000	NOTICE OF PUB
	76/312,816	09/25/02	3306.0001-000	NOTICE OF PUB
	76/420,529	09/25/02	2246.0029-000	EXAM AMEND
	76/380,722	09/25/02	2601.0006-000	NOTICE OF PUB
	08/853,507	09/24/02	2037.1002-002	CERT OF CORR
	08/926,755	09/24/02	2733.1007-000	CERT OF CORR
9/30/02 NMC	60/409,530	9/26	3300.1034-000	NTFMP-NP/FILING RECEIPT
	10/128,007	9/24	0918.1037-002	OAS
	09/944,525	9/25	2736.2011-000	OAS
	09/862,368	9/27	2789.2011-001	OAS
	09/919,603	9/25	1440.1033-007	OAS
	09/536,841	9/27	2825.1016-001	OAS
	09/503,758	9/26	2909.1000-004	OAS
	09/795,821	9/26	1161.2001-000	NOTICE OF ALLOWANCE/ALLOWABILITY
	09/817,781	9/26	2065.2001-000	OAS

## U.S. PTO MAIL RECEIVED BY HBS&amp;R

Today's Date	Application/Patent/ Opposition/ Interference No.	Date Mailed From PTO	Docket No.	Comment
9/30/02NMC (CONT)	09/519,245	9/26	2657.2001-003	OAS
	09/733,761	9/26	2037.2013-000	NOTICE OF ALLOWANCE/ALLOWABILITY
	09/910,131	9/24	0717.1086-011	OAS
	09/418,946	9/26	2825.1010-002	OAS
	09/944,525	9/25	2736.2011-000	PAT COPY: 6,215,295
	10/128,007	9/24	0918.1037-002	PAT COPY: 4,792,947
	08/029,876 08/196,959	9/17	0744.1013-000 2997.1012-000	MAINT FEE REMINDER
	08/037,777 09/000,639	9/10	1824.1004-000 1986.1001-002	MAINT FEE REMINDER
	09/404,776	9/27	2357.1015-001	OAS
	09/162,665	9/23	1916.1001-006	NOTICE OF ALLOWANCE/ALLOWABILITY
	08/893,911	9/26	1855.1032-001	NOTICE OF ALLOWANCE/ALLOWABILITY
	09/103,953	9/26	1314.1048-001	OAS
	09/405,933	9/27	2013.1001-006	ADVISORY ACTION
	08/969,475	9/24	1314.1044-002	NOTICE REGARDING CHANGE OF POA
	10/016,329	9/26	3421.1002-003	NOTICE REGARDING CHANGE OF POA
	09/421,097	9/20	3421.1002-002	NOTICE REGARDING OF POA
	08/208,264	9/20	3421.1002-001	NOTICE REGARDING OF POA
	09/136,012	9/20	3421.1002-010	NOTICE REGARDING OF POA
	08/676,125	9/20	3421.1002-009	NOTICE REGARDING OF POA
	09/827,503	9/20	3300.1000-005	NOTICE REGARDING OF POA
	09/375,666	9/20	3300.1000-001	NOTICE REGARDING OF POA
	10/077,233	9/25	3300.1030-000	NOTICE OF ACCEPTANCE OF POA
	09/746,853	9/25	3300.1000-002	NOTICE OF ACCEPTANCE OF POA
	10/197,063	9/27	3267.1001-001	FILING RECEIPT
	60/343,028	8/06	0050.2037-000	FILING RECEIPT
	60/406,405	9/20	2826.1000-001	FILING RECEIPT



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## U.S. PTO MAIL RECEIVED BY HBS&amp;R

Today's Date	Application/Patent/ Opposition/ Interference No.	Date Mailed From PTO	Docket No.	Comment
10/1/02 CBZ	09/083,268	9/27	3350.1000-004	OA W/PTO-892
	09/618,304	9/27	1564.1006-001	OA W/PTO-892
	10/225,474	9/25	2280.2001-000	NFMP & FR
	09/993,215	9/25	0050.1312-014	REQ FOR STATEMENT UNDER SEC 152 OF THE ATOMIC ENERGY ACT
	09/808,416	9/26	2978.1000-001	NOT OF ALLOWANCE & FEES DUE W/NOT OF ALLOWABILITY
	09/595,667	9/26	1958.1030-000	OA (1 MO)
	60/407,436	9/23	1884.2020-000	FR
	09/759,412	9/26	0148.1135-004	NOT OF ABANDONMENT
	10/188,733	9/26	2328.2006-001	UFR
	10/050,688	9/25	3033.1003-004	ASG (CORRECTED NOTICE)
	60/381,012	9/25	1932.2119-000	ASG (CORRECTED NOTICE)
	10/164,719	9/26	3336.1007-000	UFR
	09/674,792	9/26	3276.1001-000	NOT OF ABANDONMENT
	09/591,364	9/26	0399.1209-003	NOT OF ABANDONMENT
	10/096,361	9/25	1855.2020-003	UFR
	10/125,685	9/24	1932.2089-003	ASG
	10/125,780	9/24	1932.2076-003	ASG
	09/796,264	9/25	2932.1007-004	CFR
	60/404,620	9/25	2826.1000-000	FR

## U.S. PTO MAIL RECEIVED BY HBS&amp;R

Today's Date	Application/Patent/ Opposition/ Interference No.	Date Mailed From PTO	Docket No.	Comment
10/1/02 (cont)	09/842,311	9/27	2008.2001-002	NOT RE POA
	09/461,999	9/25	1828.1022-001	NOT OF ABANDONMENT
10/02/02 NMC	76/242,680	10/1	2246.0018-000	NOTICE OF ALLOWANCE
	10/016,329	9/26	3421.1002-000	NOTICE REGARDING CHANGE OF POA
10/03/02 GJJ	09/104,314	9/30	2390.1005-001	ALLOWANCE
	09/845,056	9/30	2293.2006-001	ALLOW./PUB FEES
	29/143,375	9/30	2418.2002-000	OAC
	09/723,568	9/30	0148.1091-040	OAC
	09/858,996	9/30	0422.2002-002	RRD
	09/822,789	9/30	2825.2010-001	OAC
	09/724,302	9/27	1959.2007-000	RRD
	09/909,122	9/30	3033.1002-001	RRD
	09/739,193	9/26	2888.1001-011	NOTICE TO ABANDON
	09/457,659	9/30	1600.1071-001	***
	09/716,972	9/30	1600.2030-001	***
	09/710,286	9/30	1600.2005-001	***
	09/791,491	9/27	2008.1006-005	POA NOTICE
	09/795,903	9/26	2932.1007-003	***
	10/08,871	9/26	3300.1014-007	***
	09/290,286	9/30	0243.1031-001	DECISION ON PETITION
	10/200,055	9/30	2739.2006-000	FLR
	10/066,320	9/30	1818.1030-003	FLR
	10/162,114	9/30	3246.1000-001	FLR
	60/410,332	9/30	2256.1002-000	FLR
	08/457,424	9/27	0148.1091-008	ASG RECORDATION
	60/332,268	9/27	2825.2033-000	***
	10/141,499	9/27	2789.2008-002	***
	10/132,675	9/27	2037.2020-001	***
	60/322,268	9/27	2825.2033-000	***

## U.S. PTO MAIL RECEIVED BY HBS&amp;R

Today's Date	Application/Patent/ Opposition/ Interference No.	Date Mailed From PTO	Docket No.	Comment
10/3/02 (CONT'D)	10/056,230	9/27	1440.1069-013	ASG RECORDATION
	76/411,982	10/1	2213.0035-000	TMOAC
	76/412,738	10/1	2213.0033-000	****
	76/412,737	10/1	2213.0031-000	****
	76/411,981	10/1	2213.0034-000	****
	76/411,713	10/1	2213.0027-000	****
10/4/02 JONES	10/229,318	10/1	2309.2002-000	NTFMP/FLR
	09/878,146	10/1	2685.2001-003	OAC
	09/873,106	10/1	1062.1021-004	RRD
	09/875,275	10/1	1932.2005-010	OAC
	09/524,045	10/1	0054.1619-000	NOT. ALLOWANCE
	09/405,504	10/1	0399.1180-009	FRJ
	09/345,903	10/1	2386.1002-000	OAC
	09/758,917	9/30	2711.1001-014	FRJ
	09/724,269	10/1	0918.2033-000	OAC
	09/448,046	10/1	1866.1017-000	ADVISORY ACTION
	09/429,453	10/1	2293.2001-000	****
	10/033,376	10/1	2316.2007-001	NOTICE TO ABANDON
	10/040,259	10/1	1768.1010-004	****
	10/060,981	10/1	2842.1004-001	****
	09/716,953	10/1	1600.2044-001	****
	09/716,973	10/1	1600.2042-001	****
	09/721,589	10/1	1600.2045-001	****
	09/717,350	10/1	1600.2034-001	****
	09/665,345	10/1	1440.1098-007	****
	09/768,869	9/26	2937.1000-003	PUBLICATION NOTICE
	09/813,929	****	2251.2007-000	****
	09/950,825	9/19	3058.1006-001	****
	09/821,831	9/26	3206.1001-000	****
	10/044,647	9/19	1280.2005-000	****
	09/931,505	9/19	1280.2002-001	****

## U.S. PTO MAIL RECEIVED BY HBS&amp;R

Today's Date	Application/Patent/ Opposition/ Interference No.	Date Mailed From PTO	Docket N .	Comment
10/4/02 (CONT'D)	09/817,729	9/26	2777.2003-000	PUB. NOTICE
	10/044,760	9/26	1280.2004-000	"
	09/969,990	9/19	2313.1013-003	"
	10/006,991	9/26	1733.1009-023	"
	09/756,161	9/19	0975.1005-007	"
	09/988,496	9/26	1802.1004-001	"
	10/091,233	9/26	1646.1013-022	"
	09/818,302	9/26	2682.2016-001	"
	09/813,928	9/26	2251.2006-000	"
	10/100,229	9/19	3058.1007-001	"
	09/815,247	9/26	1768.2002-000	"
	09/931,381	9/26	1855.2010-003	"
	09/745,008	9/26	1322.1028-001	"
	09/842,307	9/26	2825.2011-001	"
	09/919,603	9/26	1440.1033-007	"
	09/809,725	9/19	1866.2002-000	"
	09/834,181	9/19	0725.2001-001	"
	60/410,728	10/1	1440.2030-000	FLR
	10/061,119	10/1	2825.2027-001	"
	10/238,434	10/1	2019.1001-012	"
	60/410,733	10/1	3336.1018-000	"
	76/105,078	10/1	1161.0106-000	SUSP. OF APPEAL
	76/418,830	10/1	3182.0001-000	TMOAC
	78/128,771	10/1	3070.0020-000	"
	08/426,244	9/30	1022.1132-000	DECISION ON APPEAL
	09/866,970	10/1	1855.1052-013	OFC CY: 6,458,353
	09/053,107	10/1	3058.1000-016	RIBBON: 6,459,882
	09/457,823	10/1	3128.1004-000	RIBBON: 6,457,823
	09/457,835	10/1	1571.1119-003	RIBBON: 6,458,835
	09/636,368	10/1	2825.1026-001	RIB/OFC: 6,458,541

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 Virginia Road  
P.O. Box 9133  
Concord, MA 01742-9133

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

**FACSIMILE COVER SHEET****Date:** June 4, 2003**To:** Examiner Gary Kunz  
U.S. Patent and Trademark Office  
Group Art Unit: 1647**Client Code:** 3206.1001-000**Fax Number:** (703) 308-0294**From:** David E. Brook, Esq.**Subject:** U.S. Patent Application No.: 09/821,831  
Filing Date: March 30, 2001  
Confirmation No. 6242  
Examiner: Robert Hayes  
Title: Method for Modulating Cell Survival and Reagents Useful  
for SameNumber of pages including this cover sheet: 14Please confirm receipt of facsimile: Yes ☐ No ☐**Comments:**

As you requested, attached is a Petition to Withdraw Holding of Abandonment for Failure to Respond to an Office Action which we mailed to the USPTO, under Certificate of Mailing, on May 1, 2003.

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